

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

TERRANCE EUGENE JENKINS, SR.,

Defendant and Appellant.

C063512

(Super. Ct. No.
CM031054)

On June 7, 2009, defendant Terrance Eugene Jenkins, Sr., gave several shots of whisky to a 12-year-old girl. He then forced her to orally copulate him.

Defendant entered a negotiated plea of no contest to forcible lewd act with a child (Pen. Code, § 288, subd. (b)) in exchange for dismissal of the remaining counts with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754. Sentenced to state prison for eight years, defendant appeals.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the

case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

We note an error in sentencing. The court awarded 155 actual days and 33 conduct days pursuant to Penal Code section 2933.1 for a total of 178. Conduct credit on 155 days is 23 days. The total of 178 is correct. We will modify the judgment accordingly.

DISPOSITION

The judgment is modified to provide for 23 conduct days. The actual days of 155 and the total of 178 days of presentence custody credit is correct. The trial court is directed to prepare an amended abstract of judgment accordingly and to

forward a certified copy to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.¹

NICHOLSON, J.

We concur:

SIMS, Acting P. J.

RAYE, J.

¹ The recent amendments to Penal Code section 4019 do not operate to modify defendant's entitlement to credit, as he was committed for a violent felony and was required to register as a sex offender. (Pen. Code, § 4019, subds. (b), (c); Stats. 2009-2010, 3d. Ex. Sess. ch. 28, § 50.)